

III. Claims 4-15, drawn to a method for modulating the metabolic rate in a mammal by altering OGC expression.

IV. Claims 16-26, drawn to a method for decreasing mitochondrial membrane potential in a cell by increasing expression of OGC.

Applicants elect, with traverse, Group I, claims 1 and 2.

Restriction is only proper if the identified Groups are independent or patentably distinct (MPEP § 803). The burden is on the Office to provide reasons and/or examples to support its conclusion that the identified Groups are patentably distinct.

The Office has characterized the relationship between Groups I-IV as unrelated. Citing MPEP § 806.04 and 808.01, the Office contends that these Groups are not disclosed as capable of use together and have different modes of operation, different functions or different effects. The Office states that Group I is drawn to a screening method to identify compounds that affect uncoupling, Group II is drawn to a method of detecting a human OGC variant having uncoupling activity, Group III is drawn to a method for modulating the metabolic rate in mammal by altering OGC expression, and Group IV is drawn to a method for decreasing mitochondrial membrane potential in a cell by increasing expression of OGC, having distinct methods that involve different reagents, different method steps, and have different results. The Office has not provided an explanation or an example to support the determination that these Groups are directed to distinct methods that involve different reagents, different method steps, and have different results. The Office has simply stated a conclusion of distinctness, without support.

Applicants submit that the Office has not met the burden necessary in order to sustain the Restriction Requirement. Withdrawal is therefore respectfully requested.

Respectfully submitted,



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